

Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 5, 7, 9, and 11 have been amended. No claims have been cancelled or added. Therefore, claims 1-12 are presented for examination.

Per the conversation with the Examiner on July 1, 2005, Applicant is resubmitting the 37 CFR §1.131 Affidavit and Amendment previously mailed on March 16, 2005. The Examiner did not receive these documents although they were mailed on March 16, 2005 with the Request for Continued Examination. The Examiner did mention that he received a Response identical to Applicant's December 7, 2005 After Final Response. Applicant respectfully requests the Examiner's consideration of the 37 CFR §1.131 Affidavit and Amendment presently submitted.

Rejections

Claims 1-8 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hipp et al. (U.S. Patent No. 6,411,506). Claims 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hipp et al. (U.S. Patent No. 6,411,506). Applicant submits that the 35 U.S.C. §102(e) rejection and the 35 U.S.C. §103(a) rejection have been obviated by the 37 CFR §1.131 Affidavit filed with this response. The §1.131 Affidavit certifies that the present application was invented at a time prior to the filing date of Hipp. Applicants submit that the submittal of the §1.131 Affidavit is not an acquiescence to the Examiner's arguments regarding the present application's patentability over Hipp. Applicants therefore respectfully request that Hipp be removed as a prior art reference under both the §102 and §103 rejections, and that the present claims be allowed.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

Docket No: 082225.P4249
Application No: 09/589,218

9

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

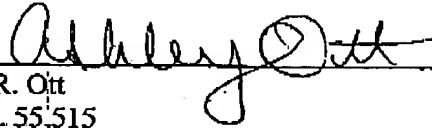
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: July 1, 2005


Ashley R. Ott
Reg. No. 55,515

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980